

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 10430 of 1996

Dated: 12-12-2006

Between:

Kalla Narayana

..... PETITIONER

AND

The District Collector,
East Godavari District,
Kakinada and four others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 10430 of 1996

ORDER:

-
This writ petition is filed seeking a declaration that the alleged action of the respondents 1 to 4 in not taking appropriate steps for evicting the 5th respondent from Plot No.274 in Sy.No.465/1A of Rowthulapudi village, East Godavari District is arbitrary and illegal.

It is claimed that the land in question was assigned to the petitioner, which was un-authorizedly occupied by the 5th respondent.

In response to the notice ordered by this court, the 3rd respondent-Mandal Revenue Officer filed a counter affidavit stating that though initially Plot No.274 was allotted to the petitioner, it was never delivered to him. It is explained that in fact, the said site was originally belonged to Karri Arjaya, Karri Nookayya and Rajulu, who sold away the same to one Gollu China Appalanayudu on 04-01-1961. The 5th respondent had purchased the said site from him for valid consideration subsequently. Thus, the 5th respondent is the owner of the site in dispute and as a matter of fact, O.S.No.38 of 1996 on the file of the Court of the Subordinate Judge, Peddapuram filed by the 5th respondent aggrieved by the action of the Gramapanchayat in not granting permission for construction of a building on the site in question is pending.

Nothing has been placed before this Court to contradict the said version of the respondents. Hence, the alleged inaction on the part of

the respondents 1 to 4 cannot be accepted.

Accordingly, the writ petition, which is devoid of any merit, is hereby dismissed. No costs.

G. ROHINI, J

Dated: 12-12-2006

KLP